

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

NUANCE COMMUNICATIONS, INC.,

Plaintiff and Counterclaim
Defendant,

v.

OMILIA NATURAL LANGUAGE
SOLUTIONS, LTD.,

Defendant and Counterclaim
Plaintiff.

Case No. 1:19-cv-11438-PBS

**PLAINTIFF NUANCE COMMUNICATIONS, INC.’S MOTION TO COMPEL
DEFENDANT OMILIA NATURAL LANGUAGE SOLUTIONS, LTD.
TO RESPOND TO NUANCE’S DISCOVERY REQUESTS SUBJECT TO
OMILIA’S MOTION FOR PROTECTIVE ORDER [D.N. 146]**

Plaintiff and Counterclaim Defendant Nuance Communications, Inc. (“Nuance”) seeks the Court’s assistance in compelling Defendant Omilia Natural Language Solutions, Ltd. (“Omilia”) to fully respond to Nuance’s Second Set of Requests for Production of Documents, Nuance’s Second Set of Interrogatories, and Nuance’s First Set of Requests for Admission (collectively, the “Nuance Discovery Requests”). The Nuance Discovery Requests subject to this motion to compel are already before the Court in connection with Omilia’s Motion for Protective Order (D.N. 146).

The present motion is simply the inverse of Omilia’s Motion for a Protective Order, and seeks affirmative relief to Nuance in the form of an Order compelling Omilia to respond to those requests. The reasons such discovery should be compelled are the same reasons as set forth in Nuance’s Opposition to Omilia’s Motion for a Protective Order (D.N. 160, attached hereto as Ex. 1).

On May 22, 2020, Nuance served its Second Set of Requests for Production of Documents. D.N. 147-3 (Kiernan Decl. Ex. C). Omilia served objections and responses to the Second Set of

Requests for Production on June 24, 2020. D.N. 147-4 (Kiernan Decl. Ex. D). On June 15, 2020, Nuance served its Second Set of Interrogatories. D.N. 147 (Kiernan Decl. ¶ 8). Omilia served objections and responses to the Second Set of Interrogatories on July 24, 2020. (*Id.* ¶ 9). On June 25, 2020, Nuance served its First Set of Requests for Admission. D.N. 147-5 (Kiernan Decl. Ex. E). Omilia served objections and responses to the First Set of Requests for Admission on July 27, 2020. D.N. 147-6 (Kiernan Decl. Ex. F). On July 27, 2020, after it had served objections and responses to all three sets of discovery, Omilia filed its Motion for Protective Order. D.N. 146. For the reasons set forth in Nuance’s Opposition to Omilia’s Motion for a Protective Order (D.N. 160, attached hereto as Ex. 1), the requested discovery is relevant, proportionate, and otherwise permissible and appropriate discovery. Nuance respectfully asks this Court to compel Omilia to fully respond to the following Nuance Discovery Requests:

- Nuance’s Second Set of Requests for Production of Documents (D.N. 147-3) Nos. 189-194, 198-204, and 207;
- Nuance’s Second Set of Interrogatories Nos. 9 and 11 (D.N. 147, Kiernan Decl. ¶ 8); and
- Nuance’s First Set of Requests for Admission (D.N. 147-5) Nos. 2-13.

Date: August 21, 2020

Respectfully submitted,

/s/ Christian E. Mammen
WOMBLE BOND DICKINSON (US) LLP

David Greenbaum (*admitted pro hac vice*)
Nuance Communications, Inc.
1111 Macarthur Boulevard
Mahwah, NJ 07430
(857) 214-5524
david.greenbaum@nuance.com

Jennifer Itzkoff (MA BBO No. 675694)
WOMBLE BOND DICKINSON (US) LLP
Independence Wharf
470 Atlantic Avenue, Suite 600
Boston, MA 02110
Telephone: (857) 287-3142
Jennifer.Itzkoff@wbd-us.com

Christian E. Mammen (*admitted pro hac vice*)
Carrie Richey (*admitted pro hac vice*)
WOMBLE BOND DICKINSON (US) LLP
1841 Page Mill Road, Suite 200
Palo Alto, CA 94304
Telephone: (408) 341-3067
Chris.Mammen@wbd-us.com
Telephone: (408) 341-3060
Carrie.Richey@wbd-us.com

Christine H. Dupriest (*admitted pro hac vice*)
WOMBLE BOND DICKINSON (US) LLP
271 17th Street, Suite 2400
Atlanta, Georgia 30363
Telephone: (404) 962-7538
Christine.Dupriest@wbd-us.com

Kristin Lamb (*admitted pro hac vice*)
WOMBLE BOND DICKINSON (US) LLP
811 Main Street, Suite 3130
Houston, TX 77002
Telephone: (346) 998-7843
Kristin.Lamb@wbd-us.com

Attorneys for Plaintiff Nuance Communications, Inc.

FEDERAL RULE OF CIVIL PROCEDURE AND LOCAL RULE 7.1 CERTIFICATE

I hereby certify that in accordance with Federal Rule of Civil Procedure 37(a) and Local Rule 7.1(a)(2), prior to filing the above Motion, counsel for Plaintiff and counsel for Defendant met and conferred in good faith regarding Defendant's responses to Nuance's discovery requests on August 20, 2020. Plaintiff's counsel attempted in good faith to meet and confer further to obtain the requested discovery without court action, but Defendant was unwilling to do so.

/s/ Christine H. Dupriest

Christine H. Dupriest (*admitted pro hac vice*)

WOMBLE BOND DICKINSON (US) LLP

271 17th Street, Suite 2400

Atlanta, Georgia 30363

Telephone: (404) 962-7538

Christine.Dupriest@wbd-us.com

CERTIFICATE OF SERVICE

I hereby certify that this document and all its supporting materials filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 21, 2020.

/s/ Christian E. Mammen

Christian E. Mammen